

PTO/SB/08b (10-08)
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Substitute for form 1449/PTO				Complete if Known	
				Application Number	07/827,906-Conf. #3375
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
Sheet	1	of	14	Attorney Docket Number	28079/41333

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1*	US-4,356,270	10-26-1982	Itakura	
	A2*	US-4,448,885	05-15-1984	Schnepf et al.	
	A3*	US-4,771,131	09-13-1988	Herrnstadt et al.	
	A4*	US-4,943,674	07-24-1990	Houck et al.	
	A5*	US-5,082,767	01-21-1992	Hatfield et al.	
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	A11*	US-5,500,365	03-19-1996	Fischhoff et al.	
	A12*	US-5,567,600	10-22-1996	Adang et al.	
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	A15*	US-5,689,052	11-18-1997	Brown et al.	
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	A18*	US-5,880,275	03-09-1999	Fischhoff et al.	
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	A29*	US-07/286,002	12-19-1988		
	A30*	US-07/286,087	12-19-1988		
	A31*	US-07/320,195	03-07-1989		

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	B1	AU-B-46881/89	06-21-1990	CIBA-GEIGY AG		
	B2	EP-0063949	11-03-1982	The Board of Regents of the University of Washington		
	B3	EP-0108580	05-16-1984	Standard Oil Company		√
	B4	EP-0126546	03-30-1984	Lubrizol Genetics, Inc.		

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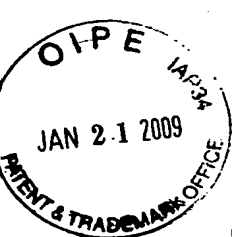
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	B5	EP-0140556	05-08-1985	Agrigentic Res. Ass.		
	B6	EP-0159884	10-30-1985	Agrigentic Res. Ass.		
	B7	EP-0431829	06-12-1991	Agracetus, Inc.		
	B8	EP-0275957	07-27-1988	Hoescst AG		
	B9	EP-0318143	05-31-1989	Lubrizol Genetics, Inc.		
	B10	EP-0359472	03-21-1990	Mycogen Plant Science, Inc.		
	B11	EP-0612848	08-31-1994	Sandoz Erfindungen Verwaltungsgesellschaft M.B.H.		
	B12	JP-63137684	06-09-1988	Sumitomo Chem. Co. Ltd.		
	B13	JP-1104177	04-21-1989	Sumitomo Chem. Co. Ltd.		
	B14	WO-8808880	11-17-1988	Ecogen, Inc.		
	B15	WO-9010076	09-07-1990	Monsanto Company		
	B16	WO-9015139	12-13-1990	Plant Genetics Systems, N.V.		
	B17	WO-9110725	07-25-1991	Biotechnica International, Inc.		✓
	B18	WO-9307278	04-15-1993	CIBA-GEIGY AG		✓

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
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	C3	Adang et al., "Engineering Crop Plants for Insect Resistance," <i>154th National American Assoc. Adv. Sci.</i> , pp.59, Feb. 11-15 (1988).	
	C4	Adang et al., "Expression of a <i>Bacillus Thuringiensis</i> Insecticidal Crystal Protein Gene in Tobacco Plants," <i>Mol. Strat. Crop Protec.</i> , 345-353 (1987).	
	C5	Adang et al., "The Reconstruction and Expression of a <i>Bacillus Thuringiensis</i> CryIIIA Gene in Protoplasts and Potato Plants," <i>Plant Mol. Biol.</i> , 21:1131-1145 (1993).	

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				Examiner Name	A. R. Kubelik
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	C6	Aota et al., Codon Usage Tabulated from the GenBank Genetic Sequence Data," <i>Nucl. Acids Res.</i> , 16(Supp): r315-r402 (1988).		
	C7	Aronson et al., " <i>Bacillus Thuringiensis</i> and Related Insect Pathogens," <i>Microbiol. Rev.</i> , 50(1):1-24 (1986).		
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	C10	Barton et al., "Production of <i>Bacillus Thuringiensis</i> Insecticidal Proteins in Plants," <i>Transgenic Plants</i> , 1:297-315 (1993).		
	C11	Barton et al., "Prospects in Plant Genetic Engineering," <i>Science</i> , 219:671-676 (1983).		
	C12	Barton et al., "Regeneration of Intact Tobacco Plants Containing Full Length Copies of Genetically Engineered T-DNA, and Transmission of T-DNA to R1 Progeny," <i>Cell</i> , 32:1033-1043 (1983).		
	C13	Bashe et al., "Codon Usage Table for Maize Based on Sequences of 25 Nuclear Genes," 63 <i>Maize Genetics Cooperation Newsletter</i> (1989).		
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	C17	Borlaug, "Contributions of Conventional Plant Breeding to Food Production," <i>Science</i> , 219:689-693 (1983).		
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	C19	Bozouklian et al., "Nucleotide Sequence of the <i>Azospirillum Brasilense</i> Sp 7 Glutamine Synthetase Structural Gene," <i>Biochemie</i> , 68:1181-1187 (1986).		
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	C23	Brown, "A Catalogue of Splice Junction and Putative Branch Point Sequences from Plant Introns," <i>Nucl. Acids Res.</i> , 14:9549-9559 (1986).		
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	C26	Caplan et al., "Introduction of Genetic Material into Plant Cells," <i>Science</i> , 222:815-821 (1983).	
	C27	Chilton et al., "Tailoring the Agrobacterium Ti Plasmid as a Vector for Plant Genetic Engineering," <i>Stadler Symposium</i> , 13:39-51 (1981).	
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	C32	Dalbadie et al., "Oligonucleotide-Directed Mutagenesis as a General and Powerful Method for Studies of Protein Function," <i>PNAS USA</i> , 79:6409-6413 (1982).	
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	C36	Dean et al., "mRNA Transcripts of Several Plant Genes are Polyadenylated at Multiple Sites <i>In Vivo</i> ," <i>Nucl. Acids Res.</i> , 14:2229-2240 (1986).	
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	C39	Dhaese et al., "Identification of Sequences Involved in the Polyadenylation of Higher Plant Nuclear Transcripts Using Agrobacterium T-DNA Genes as Models," <i>EMBO J.</i> , 2(3):419-426 (1983).	
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	C50	Ge et al., "Functional Domains of Bacillus Thuringiensis Insecticidal Crystal Proteins," <i>J. Biol. Chem.</i> , 266:17954-17958 (1991).		
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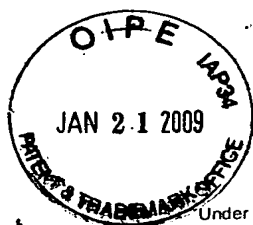
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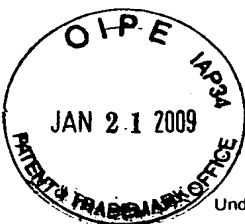
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				Application Number	07/827,906-Conf. #3375
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
				Attorney Docket Number	28079/41333
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NON PATENT LITERATURE DOCUMENTS			
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	C181	Toriyama et al., "Haploid and Diploid Plant Regeneration from Protoplasts of Another Callus in Rice," <i>Theor. Appl. Genet.</i> , 73:16-19 (1986).	
	C182	Trolinder et al., "Somatic Embryogenesis and Plant Regeneration in Cotton (<i>Gossypium Hirsutum</i> L.)" <i>Plant Cell Reports</i> , 6:231-234 (1987).	
	C183	Tsurushita et al., "Regulation of Differential Processing of Mouse Immunoglobulin Mu Heavy-Chain mRNA," <i>RNA Processing Meeting</i> , pp.215, May 13-17 (1987).	
	C184	Uchimiya et al., "Expression of a Foreign Gene in Callus Derived from DNA-Treated Protoplasts of Rice (<i>Oryza sativa</i> L.)" <i>Mol. Gen. Genet.</i> , 204:204-207 (1986).	
	C185	Urdea et al., "Chemical Synthesis of a Gene for Human Epidermal Growth Factor Urogastrone and its Expression in Yeast," <i>PNAS USA</i> , 80:7461-7465 (1983).	
	C186	Van Mellaert et al., "Binding of Different Types of <i>Bacillus Thuringiensis</i> Delta-Endotoxins to Midgut Brush Border Membrane Vesicles is Correlated with the Insecticidal Spectrum," <i>XXI Ann. Meeting Soc. Inv. Pathol. UCSD</i> , pp.27, Aug. 14-18 (1988).	
	C187	Van Rie et al., "Mechanism of Insect Resistance to <i>Bacillus Thuringiensis</i> in <i>Plutella Xylostella</i> (L.) (Lepidoptera: Plutellidae)," <i>T-Y Feng et al. (eds)</i> , 1:277-295 (1995).	
	C188	Van Rie et al., "Mechanism of Insect Resistance to the Microbial Insecticide <i>Bacillus Thuringiensis</i> ," <i>Science</i> , 247:72-74 (1990).	
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	C191	Vasil et al., "Plant Regeneration From Protoplasts of Napier Grass (<i>Pennisetum Purpureum</i> Schum.)," <i>Pflanzenphysiol. Bd.</i> , 111:232-239 (1983).	
	C192	Wendel, "New World Tetraploid Cottons Contain Old World Cytoplasm," <i>PNAS USA</i> , 86:4132-4136 (1989).	
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	C194	Wickens et al., "Cleavage and Polyadenylation of SV40 Late pre-mRNAs <i>in Vitro</i> ," <i>RNA Processing Meeting</i> , pp.9, May 11-17 (1987).	
	C195	Wiebauer et al., "Nuclear pre-mRNA Processing in Plants: Distinct Modes of 3'-Splice-Site Selection in Plants and Animals," <i>Mol. Cell Biol.</i> , 8:2042-2051 (1988).	
	C196	Wigley et al., "Conservation of <i>Bacillus Thuringiensis</i> Efficacy in New Zealand through the Planned Deployment of <i>Bt</i> Genes in Transgenic Crops," <i>Biocontrol Sci. & Technol.</i> , 4:527-534 (1994).	
	C197	Williams et al., "Design, Synthesis and Expression of a Human Interleukin-2 Gene Incorporating the Codon Usage Bias Found in Highly expressed <i>Escherichia coli</i> Genes," <i>Nuc. A.R.</i> , 16(22):10453-10467 (1988).	
	C198	Winnacker et al., "From Genes to Clones," pp.404-411 (1987).	

Examiner Signature		Date Considered	
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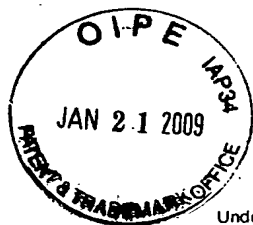
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	C199	Wong et al., "Cloning and Nucleotide Sequence of the Gene Coding for a 135-KDAL Protein of <i>Bacillus Thuringiensis</i> Aizawai," <i>XXI Ann. Meeting Soc. Inv. Pathol., USCD</i> , pp.27(13), Aug. 14-18 (1988).	
	C200	Wong et al., "Differential Accumulation of Proteinase Inhibitor I in Normal and Crown Gall Tissues of Tobacco, Tomato, and Potato," <i>Plant Physiol.</i> , 57:214-217 (1976).	
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	C203	Zambryski et al., "Ti Plasmid Vector for the Introduction of DNA into Plant Cells Without Alteration of Their Normal Regeneration Capacity," <i>EMBO J.</i> , 2(2):2143-2150 (1983).	
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	C205	Zeigler, "Lehrbuch der Botanik," <i>Strasburger</i> , 32nd Ed., pp.286 (1983).	
	C206	Syngenta Seeds Inc. v. Monsanto Co., 404 F. Supp.2d 594 (D. Del. 2005)	
	C207	Pazuniak, George; Letter to Gass, D., counsel for Monsanto dated August 14, 2008.	
	C208	Appendix A of Pazuniak's letter to Gass, Opposition decision, EP Patent No. 0 385 962, dated July 25, 2008.	
	C209	Annex I to Appendix A of Pazuniak's letter to Gass, Auxiliary Request I, EP 0 413 019, dated November 16, 2005.	
	C210	Annex II to Appendix A of Pazuniak's letter to Gass, Auxiliary Request I, EP 0 385 962, dated November 7, 2005.	
	C211	Annex III to Appendix A of Pazuniak's letter to Gass, Figures 2A, 3A, 4A, and 12A of European patent EP 0 413 019.	
	C212	Annex IV to Appendix A of Pazuniak's letter to Gass, Auxiliary Request II, EP 0 385 962, dated November 7, 2005.	
	C213	Appendix B of Pazuniak's letter to Gass, Minutes of the oral proceedings before the Opposition Division, EP-B-385962, dated November 16, 2005.	
	C214	Request for Opposition against European Patent EP-B-0 385 962 granted in the name of Monsanto Technology LLC by Aventis CropSciences N.V., July 18, 2001.	

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	C215	Request for Opposition against European Patent EP-B-0 385 962 by Dow Agrosciences LLC, dated April 18, 2002.	
	C216	Request for Opposition against European Patent EP-B-0 385 962 by Syngenta Ltd, dated April 11, 2002.	
	C217	Walker, Declaration of Keith A. Walker 37 C.F.R. § 1.132 filed on June 10, 1991 before the United States Patent and Trademark Office.	

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